



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

March 16, 2005

Mr. Parley E. Hess, Jr.
McBride & Ziegler, Inc.
2607 Eastburn Center
Newark, DE 19711

RE: PLUS review – PLUS 2005-02-09; Smyrna Medical Arts Center

Dear Mr. Hess:

Thank you for meeting with State agency planners on March 2, 2005 to discuss the proposed plans for the Smyrna Medical Arts Center project to be located on the corner of Main and South Streets in Smyrna.

According to the information received, you are seeking a rezoning from M to CC for the purpose of building a 120,000 square foot medical arts center.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Smyrna is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the Town.

Executive Summary

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. ***Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.***

State Strategies/Project Location

- This project is located in an Investment Level 1, and represents an infill redevelopment project which will both provide an essential service for Smyrna and new jobs and economic activity. The State Planning Office supports this

project, and notes that it must be developed in accordance with all relevant local codes and ordinances.

Street Design and Transportation

- DelDOT anticipates requiring a traffic impact study (TIS) for this project and they would like the Town's support in this regard.
- There are concerns that the closing of Fisher Street will have an adverse impact on the circulation patterns in this area of Smyrna, and will have a negative impact on the historic street grid. The State Fire Marshal has concerns regarding accessibility for emergency services and vehicle turn around areas if the street is closed. It is suggested that this street closure be closely evaluated, and if at all possible Fisher Street should at least be connected to the proposed parking lot with appropriate easements to allow people to travel through the lot.

Natural and Cultural Resources

- The State Historic Preservation Office feels that the courtyard cut-out at the corner of Main and South streets is not appropriate for this streetscape. Their architectural historians would be happy to review the design plans further with the Town and/or the developers

The following are a complete list of comments received by State agencies:

Office of State Planning Coordination – Contact: David Edgell 739-3090

This project is located in Investment Level 1 according to the 2004 State Strategies for Policies and Spending. This site is also located in the Town of Smyrna. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. This project represents the redevelopment of an existing industrial site in a downtown area. The project will also provide an essential service to Smyrna and the surrounding area, and it will provide needed jobs and corresponding economic activity in Downtown Smyrna. **Our office supports infill projects as essential to the Livable Delaware strategy of concentrating growth in and around existing communities and infrastructure.** This is the type of project that is highly desirable to allow us to meet our goals of revitalizing our already urbanized areas while protecting agricultural lands and natural resource areas from encroachment by sprawling suburban and rural development. This project must be developed in accordance with all relevant local codes and ordinances.

State Historic Preservation Office (SHPO) – Contact: Alice Guerrant 739-5685

The State Historic Preservation Office is not in favor of demolishing contributing elements in a historic district, and they are not in favor of cutting off Fisher St., part of the historic transportation system.

However, they understand that the Town of Smyrna is requiring recordation of any buildings that will be demolished, and is asking that the design be compatible in materials, height, and scale with the nearby Smyrna Opera House and the 3-story brick house on the other side of South St.

The State Historic Preservation Office feels that the courtyard cut-out at the corner of Main and South streets is not appropriate for this streetscape. Their architectural historians would be happy to review the design plans further with the Town and/or the developers.

They request that the original documentation (drawings, field notes, and photographic negatives) for any buildings recorded be placed with the University of Delaware Center for Historic Architecture and Design, which is the central repository for HABS/HAER-type documentation in Delaware. They would also like a copy of the documentation, no larger than 17" x 11" for their files.

The SHPO also understands that the Town and the developers will make an effort to move the house at 102-104 S. Main St. to another suitable lot to preserve it. They would like to review the original lot and the lot it is to be moved to for archaeological resources. This project will have adverse effects on historic properties, but the Town is working to mitigate those adverse effects. The SHPO does support keeping functions such as this planned medical center in town and they would be happy to talk to the Town and/or the developers about these comments or any issues on which they may have questions.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) What is the basis for the figure of 500 trips per day given in answer to question 36 on the PLUS form? It seems very low. Based on the Institute of Transportation Engineers' Trip Generation report, DelDOT would expect a 120,000 square foot medical office building can typically be expected to generate about 4,300 vehicle trip ends per weekday. If the developer has support for their figure, DelDOT would like to evaluate it.
- 2) Based on our estimate of 4,300 vehicle trip ends per weekday, DelDOT anticipates requiring a traffic impact study (TIS) for this project and they would like the Town's support in that regard. DelDOT recognize that the Town supports the proposed development, but this development will generate a significant amount of traffic and the effects of that traffic should be addressed. The

developer's traffic engineer should contact Mr. Todd Sammons of this office to arrange a scoping meeting for the study. Mr. Sammons may be reached at (302) 760-2134.

- 3) It is not clear from the sketch plan but it appears that the developer proposes to close Fisher Street at the edge of the proposed parking lot. DelDOT recommends that the Town consult the residents and business people, and if there are absentee landlords, the property owners, who are served by Fisher Street before approving any plan for the site. If the Town finds that there is a public benefit in maintaining a connection from East South Street to Fisher Street, then preliminarily DelDOT recommend that the plan be modified so that Fisher Street connects to the parking lot, with an easement allowing public access through the lot to East South Street. If that is done, then traffic calming should be provided on the remaining portion of Fisher Street. DelDOT will reserve final comment pending the results of the TIS. Because this access would affect how traffic enters and exits the site, it would simplify the TIS if a decision could be made about it early in the TIS process, preferably before the scope of the TIS is established or if not, then before the engineer begins developing their projections of future traffic.
- 4) The developer's engineer should contact the DelDOT project manager for Kent County, Mr. Brad Herb of Johnson, Mirmiran & Thompson, regarding their requirements for access to South Main Street. Mr. Herb may be reached at (302) 266-9080.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-3091

Sediment and Erosion Control/Stormwater Management

Requirements:

1. Land disturbing activities in excess of 5,000 square feet are regulated under the Delaware Sediment and Stormwater Regulations. A detailed sediment and stormwater management plan must be reviewed and approved by the Kent Conservation District prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to the Kent Conservation District. Construction inspection fees based on developed area and stormwater facility maintenance inspection fees based on the number of stormwater facilities are due prior to the start of construction. Please refer to the fee schedule for those amounts.
2. The following notes must appear on the record plan:
 - The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.

- The Kent Conservation District reserves the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
- A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.

Comments:

1. Due to the proposed reduction in impervious cover, this site will likely qualify for a waiver of stormwater quantity management.
2. The preferred methods of stormwater management are those practices that maximize the use of the natural features of a site, promote recharge and minimize the reliance on structural components
3. Access to the proposed stormwater facility must be provided for periodic maintenance. This access should be at least 12 feet wide to leading to the facility and around the facility's perimeter.
4. It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive community amenity.
5. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.
6. Based on the site characteristics, a pre-application meeting is suggested to discuss stormwater management and drainage for this site.

Drainage

The Drainage Section is not aware of any current drainage problem associated with this project.

The Drainage Section requests that all precautions be taken to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water.

Site Investigation and Restoration

There are 3 SIRB sites located within a 1/2 mile of the proposed project: DE-1020, Carter Homes, DE-0128, Mill Street Dump, and DE-0189, Smyrna Coal Gas Site. For DE-1020, a Facility Evaluation was completed in 1993, and SIRB determined that the site needed No Further Action. DE-0128 is a 2-acre dump that was used for the disposal of municipal

and industrial waste from 1940-1950. A Preliminary Assessment was completed in 1985 and a Site Investigation was completed in 1987. Elevated levels of PAHs were found in the soils and low levels of VOCs, lead, and manganese were found in the aqueous samples. Based on the low levels of contaminants, SRIB determined that this site needed No Further Action. DE-0189 is dismantled coal gastrification plant that was in operation

from the 1880's to 1927. Both a Preliminary Assessment and a Site Investigation were completed in 1989. Elevated levels of heavy metals and PAHs were found in the soils. A Facility Evaluation was completed in 1993. No concentrations of metals, VOCs, or PAHs were detected in any of the groundwater samples. PAHs were found in the soil borings. Chesapeake Utilities Corp, the current owner, entered into a consent decree with DNREC in 1995. They conducted a Remedial Investigation/Removal Action in 1995, and based on their findings, SIRB determined that no further action was needed on this site. SIRB does not foresee any impacts from these sites to affect the proposed property.

Underground Storage Tanks

There are five inactive LUST site(s) located near the proposed project:

Rothwell's Granary, Facility # 1-000013, Project # K9302021
Rothwell's Garage, Inc., Facility # 1-000015, Project # K8711079
Lakeside Buick-Pontiac, Facility # 1-000663, Project # K9903065
Exxon Monrovia Ave., Facility # 1-000117, Project # K8503005
Ennis and Deakyne, Inc., Facility # 1-000423, Project # K9109191

No environmental impact is expected from the above inactive/active LUST site(s). However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel in the contaminated areas.

State Fire Marshal's Office – Contact: John Rossiter 739-4394

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

- a. **Fire Protection Water Requirements:**
 - Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.

- Where a water distribution system is proposed for (business/ambulatory healthcare) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq.ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

c. **Accessibility:**

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from South Main Street must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- **If Fisher is going to become a dead end street a compliant turn-around shall be installed.**
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

d. **Gas Piping and System Information**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads
- **Letter from a Doctor stating whether or not anesthesia will be used and how many patients could be under its affects at any one time.**

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Mark Davis 739-4811

The Delaware Department of Agriculture and the Delaware Forest Service recognizes the Town of Smyrna as a Tree City USA Community. This national recognition rewards communities whom have invested time, energy and monies into enhancing their urban forest resources. The Forest Service encourages the developer to work closely with the town to achieve their long-term goals to grow their urban forest resources. We also recognize this project has a downtown revitalization and economic development effort, and support that vision. However, every effort should be made during the site design and construction of this project to incorporate the unique historical and architectural aspect of Smyrna.

Right Tree for the Right Place

The Delaware Department of Agriculture Forest Service encourages the developer to use the “Right Tree for the Right Place” for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

Native Landscapes

The Department of Agriculture encourages the developer to use native trees and shrubs. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

Public Service Commission - Contact: Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

Delaware State Housing Authority – Contact Karen Horton 739-4263

No Comments

Delaware Emergency Management Agency – Contact: Don Knox 659-3362

No significant impacts to public safety are foreseen by implementation of this project.

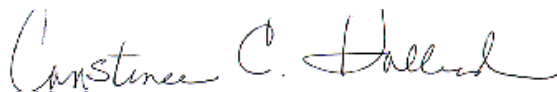
Delaware Economic Development Office – Contact: Dorrie Moore 739-4811

The Delaware Economic Development Office (DEDO) is a strong supporter of this redevelopment in the downtown area. The project will update a vacant manufacturing site with a state-of-the art medical complex that will bring economic growth to the Town of Smyrna.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

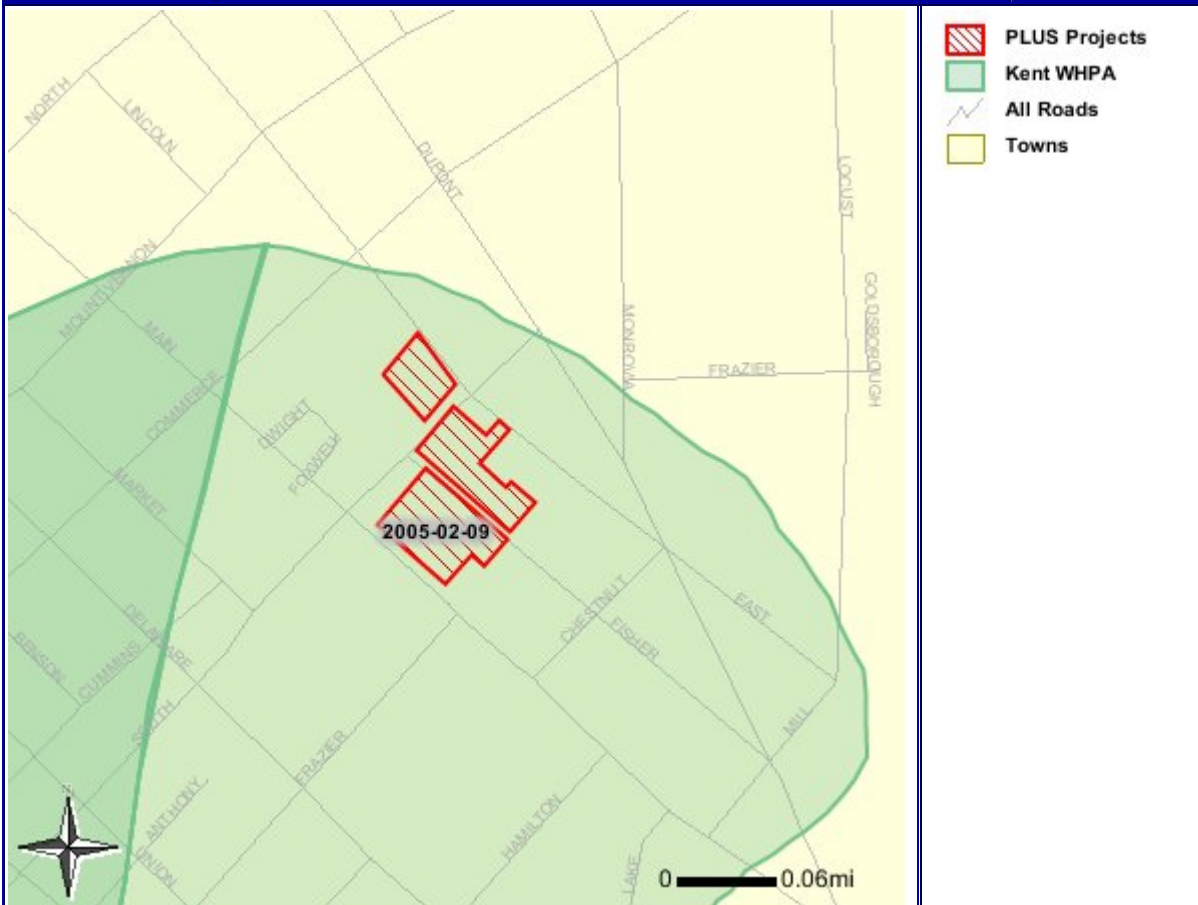
Constance C. Holland, AICP
Director

CC: Town of Smyrna



Smyrna Medical Arts Center

2005-02-09



This map was produced by the Delaware Department of Natural Resources and Environmental Control.

